

From: James E. Flemer
To: Microsoft ATR
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Subject: Microsoft Settlement

I find the proposed settlement inadequate in protecting the public interest. The terms are far too weak in several areas, providing far too many loop holes and exclusions. The definition of API and "middleware" simply do not cover all that should be. The exclusions to "middleware" in Definition J are far too broad, specifically excluding patches, service packs, and updates from "Windows Update". The definition of "Microsoft Middleware Product" excludes Microsoft Outlook, Microsoft.NET, and Microsoft Office, three significant products that Microsoft has and will use to maintain their monopoly.

Several other topics are excluded such as the publication of all proprietary file formats, and several instances of EULA that prohibit the use of products on non-Microsoft operating systems.

Please tighten up the loop holes in the settlement. This settlement is intended to protect the public interest, but that will certainly not be the case if Microsoft can simply sidestep the stipulations of the settlement, and continue its unfair practices.

Thank you,
-James Flemer
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